

JOURNAL OF THE SENATE

EIGHTY-EIGHTH SESSION

TENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, January 23, 2013

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Dan Bader, followed by the Pledge of Allegiance led by Senate page Natasha Sund.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the ninth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration SB 86 and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration SB 88 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Respectfully submitted,
Mark Kirkeby, Chair

Also MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration SB 45 and 48 and returns the same with the recommendation that said bills do pass.

Also MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration SB 41 and returns the same with the recommendation that said bill be amended as follows:

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On page 1, line 9, of the printed bill, delete "§ 13-29-6.1" and insert "section 2 of this Act".

And that as so amended said bill do pass.

Respectfully submitted,
Mike Vehle, Chair

Also MR. PRESIDENT:

The Committee on Taxation respectfully reports that it has had under consideration HB 1040 and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Ryan Maher, Chair

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1 **CONSIDERATION OF REPORTS OF COMMITTEES**

2 Sen. Olson moved that the reports of the Standing Committees on
3 State Affairs on SB 70 as found on page 154 of the Senate Journal; also
4 Commerce and Energy on SB 61 as found on page 155 of the Senate Journal; also
5 Commerce and Energy on SB 67 as found on page 155 of the Senate Journal be adopted.
6 Which motion prevailed.

7 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

8 SB 111 Introduced by: Senators Soholt, Begalka, Frerichs, Holien, Johnston, Sutton,
9 Tidemann, Tieszen, and Vehle and Representatives Mickelson, Carson, Cronin, Dryden,
10 Feinstein, Gosch, Hawley, Lust, and Solum

11 FOR AN ACT ENTITLED, An Act to amend provisions of the Uniform Commercial Code
12 relating to electronic funds transfers and to declare an emergency.

13 Was read the first time and referred to the Committee on Commerce and Energy.

14 SB 112 Introduced by: Senators Tidemann and Peters and Representative Carson

15 FOR AN ACT ENTITLED, An Act to repeal the lower rate of tax imposed on income over
16 four hundred million dollars for the bank franchise tax.

17 Was read the first time and referred to the Committee on State Affairs.

18 SB 113 Introduced by: Senators Tidemann and Peters and Representative Carson

19 FOR AN ACT ENTITLED, An Act to increase the penalties for the failure to timely and
20 accurately pay the bank franchise tax.

21 Was read the first time and referred to the Committee on State Affairs.

22 SB 114 Introduced by: Senators Tieszen, Adelstein, Ewing, Jensen, Kirkeby, and
23 Rampelberg and Representatives Craig, Campbell, Dryden, Kopp, Sly, and Verchio

24 FOR AN ACT ENTITLED, An Act to provide a definition of smoking.

1 Was read the first time and referred to the Committee on Judiciary.

2 SB 115 Introduced by: Senators Krebs, Frerichs, Lucas, Maher, Monroe, and Tidemann
3 and Representatives Peterson, Bartling, Cammack, Craig, Cronin, Duvall, Hoffman,
4 Munsterman, Olson (Betty), Parsley, Qualm, Schrempp, and Solum

5 FOR AN ACT ENTITLED, An Act to increase the commercial fertilizer inspection fee for
6 purposes of fertilizer-related research and to create the Nutrient Research Education Council to
7 promote such research.

8 Was read the first time and referred to the Committee on Agriculture and Natural
9 Resources.

10 SB 116 Introduced by: Senators Krebs, Brown, Frerichs, Lucas, Otten (Ernie), Rave, and
11 Rhoden and Representatives Hoffman, Cammack, Erickson, and Olson (Betty)

12 FOR AN ACT ENTITLED, An Act to establish a subordinate agricultural supplier's lien
13 for an unpaid charge account billing statement.

14 Was read the first time and referred to the Committee on Agriculture and Natural
15 Resources.

16 SB 117 Introduced by: The Committee on State Affairs at the request of the Office of the
17 Governor

18 FOR AN ACT ENTITLED, An Act to provide for an expedited endorsement of certain
19 licenses, certificates, registrations, and permits for spouses of active duty military personnel.

20 Was read the first time and referred to the Committee on State Affairs.

21 SB 118 Introduced by: The Committee on State Affairs at the request of the Office of the
22 Governor

23 FOR AN ACT ENTITLED, An Act to provide for the issuance of a resident medical
24 license and to repeal certain resident training permits issued by the Board of Medical and
25 Osteopathic Examiners.

26 Was read the first time and referred to the Committee on State Affairs.

27 SB 119 Introduced by: Senators Johnston, Begalka, Frerichs, Holien, Krebs, Novstrup (Al),
28 Rave, and Soholt and Representatives Hunhoff (Bernie), Bolin, Erickson, Magstadt, Steele, and
29 Tulson

1 FOR AN ACT ENTITLED, An Act to ensure freedom of media coverage of high school
2 activities.

3 Was read the first time and referred to the Committee on Education.

4 SB 120 Introduced by: Senators Peters, Buhl, Kirkeby, Krebs, Lucas, Rave, Soholt,
5 Tidemann, Tieszen, and Vehle and Representatives Hajek, Cronin, Dryden, Gibson, Hoffman,
6 Hunhoff (Bernie), Lust, Magstadt, and Novstrup (David)

7 FOR AN ACT ENTITLED, An Act to revise provisions related to consent to sexual
8 activity.

9 Was read the first time and referred to the Committee on Health and Human Services.

10 SB 121 Introduced by: Senators Peters, Brown, Holien, Kirkeby, Maher, Rave, and
11 Tidemann and Representatives Rounds, Carson, Gosch, Otten (Herman), Romkema, and Solum

12 FOR AN ACT ENTITLED, An Act to repeal certain provisions relating to the Commission
13 on Intergovernmental Cooperation and to authorize state membership in the Council of State
14 Governments.

15 Was read the first time and referred to the Committee on Taxation.

16 SB 122 Introduced by: Senators Van Gerpen, Frerichs, Kirkeby, Lucas, and White and
17 Representatives Rozum, Bartling, Duvall, Feickert, Hickey, Peterson, Rounds, Tulson, Tyler,
18 and Verchio

19 FOR AN ACT ENTITLED, An Act to revise the dates for holding township board
20 meetings.

21 Was read the first time and referred to the Committee on Local Government.

22 SB 123 Introduced by: Senators Begalka and Lucas and Representatives Peterson, Feickert,
23 Parsley, Tulson, and Tyler

24 FOR AN ACT ENTITLED, An Act to increase the energy minerals severance tax.

25 Was read the first time and referred to the Committee on Appropriations.

26 SB 124 Introduced by: Senators Begalka and Lucas and Representatives Tyler, Feickert,
27 Hickey, and Peterson

1 FOR AN ACT ENTITLED, An Act to increase the real estate transfer fees and to revise
2 the distribution of the fees.

3 Was read the first time and referred to the Committee on Appropriations.

4 SB 125 Introduced by: Senators Begalka, Frerichs, Heineman (Phyllis), Jensen, Johnston,
5 Kirkeby, Lederman, Olson (Russell), Otten (Ernie), and Sutton and Representatives Magstadt,
6 Bolin, Craig, Erickson, Feickert, Greenfield, Hagggar (Jenna), Hansen, Hickey, Hoffman, Kaiser,
7 Kopp, May, Miller, Munsterman, Nelson, Olson (Betty), Rasmussen, Romkema, Russell,
8 Schaefer, Sly, Solum, Steele, Tyler, Verchio, and Wick

9 FOR AN ACT ENTITLED, An Act to provide for the award of joint physical custody of
10 children under certain circumstances.

11 Was read the first time and referred to the Committee on State Affairs.

12 SB 126 Introduced by: Senators Hunhoff (Jean), Frerichs, Kirkeby, Lucas, Van Gerpen,
13 and White and Representatives Rozum, Bartling, Duvall, Feickert, Hickey, Peterson, Rounds,
14 Tulson, Tyler, and Verchio

15 FOR AN ACT ENTITLED, An Act to revise the provisions that authorize townships to
16 combine the offices of the clerk and the treasurer.

17 Was read the first time and referred to the Committee on Local Government.

18 SB 127 Introduced by: Senators Kirkeby, Frerichs, Hunhoff (Jean), Johnston, Olson
19 (Russell), Rave, and Soholt and Representatives Lust, Gosch, Hajek, Hunhoff (Bernie), Johns,
20 Romkema, and Russell

21 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the health and
22 educational facilities authority.

23 Was read the first time and referred to the Committee on Local Government.

24 SB 128 Introduced by: Senators Kirkeby, Ewing, Frerichs, Krebs, Rampelberg, and Tieszen
25 and Representatives Erickson, Conzet, Cronin, Duvall, Feickert, Hajek, Hickey, Hoffman,
26 Mickelson, Solum, Tulson, and Tyler

27 FOR AN ACT ENTITLED, An Act to provide authority to counties to prohibit and restrict
28 the use of fireworks and to declare an emergency.

29 Was read the first time and referred to the Committee on Local Government.

SB 129 Introduced by: Senators Kirkeby, Bradford, Frerichs, Lederman, and Maher and Representatives Feickert, Kopp, Schrempp, and Werner

FOR AN ACT ENTITLED, An Act to revise certain provisions that dedicate property tax revenue for the financing of tax incremental districts.

Was read the first time and referred to the Committee on Local Government.

SB 130 Introduced by: Senators Kirkeby, Maher, Monroe, and Peters and Representatives Verchio, Rounds, Rozum, and Wick

FOR AN ACT ENTITLED, An Act to revise certain provisions concerning absentee voting.

Was read the first time and referred to the Committee on Local Government.

SB 131 Introduced by: Senators Tidemann, Brown, Heineman (Phyllis), and Peters and Representatives Dryden, Carson, Cronin, Magstadt, and Romkema

FOR AN ACT ENTITLED, An Act to revise the annual budget report.

Was read the first time and referred to the Committee on Appropriations.

SB 132 Introduced by: Senators Tidemann, Begalka, Brown, Frerichs, Hunhoff (Jean), Kirkeby, Lederman, Olson (Russell), Peters, Rave, Soholt, Tieszen, and Vehle and Representatives Hoffman, Bartling, Cronin, Dryden, Greenfield, Hawley, Heinert, Hunhoff (Bernie), May, Mickelson, Munsterman, Rounds, and Wink

FOR AN ACT ENTITLED, An Act to grant limited immunity from arrest and prosecution for certain alcohol consumption related offenses to persons who assist certain persons in need of emergency assistance or who are themselves in need of emergency assistance.

Was read the first time and referred to the Committee on Judiciary.

SB 133 Introduced by: Senators Rave, Holien, Lederman, Lucas, Sutton, and Tidemann and Representatives Cronin, Bartling, Hawley, Lust, Magstadt, Munsterman, Rounds, Solum, and Tyler

FOR AN ACT ENTITLED, An Act to establish a pharmacy audit integrity program.

Was read the first time and referred to the Committee on Health and Human Services.

1 SB 134 Introduced by: Senators Rave, Brown, Olson (Russell), and Rhoden and
2 Representatives Westra, Gosch, and Lust

3 FOR AN ACT ENTITLED, An Act to codify the common law of rescission as applied to
4 life insurance contracts.

5 Was read the first time and referred to the Committee on Commerce and Energy.

6 SB 135 Introduced by: Senator Rave and Representative Cronin

7 FOR AN ACT ENTITLED, An Act to affect medical services.

8 Was read the first time and referred to the Committee on Health and Human Services.

9 SB 136 Introduced by: Senator Rave and Representative Cronin

10 FOR AN ACT ENTITLED, An Act to revise the state aid to education formula and to
11 make an appropriation.

12 Was read the first time and referred to the Committee on State Affairs.

13 SB 137 Introduced by: Senator Rave and Representative Cronin

14 FOR AN ACT ENTITLED, An Act to impact education in South Dakota.

15 Was read the first time and referred to the Committee on Education.

16 SB 138 Introduced by: Senator Rave and Representative Cronin

17 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding educational data
18 reporting.

19 Was read the first time and referred to the Committee on Education.

20 SB 139 Introduced by: Senators Holien, Adelstein, Begalka, Bradford, Brown, Ewing,
21 Frerichs, Heineman (Phyllis), Jensen, Johnston, Kirkeby, Krebs, Lederman, Lucas, Maher,
22 Monroe, Novstrup (Al), Olson (Russell), Omdahl, Otten (Ernie), Peters, Rempelberg, Rave,
23 Rhoden, Tidemann, Welke, and White and Representatives Cronin, Campbell, Conzet, Ecklund,
24 Erickson, Feickert, Gibson, Gosch, Greenfield, Haggar (Don), Haggar (Jenna), Hajek, Hansen,
25 Hawks, Hawley, Heinert, Hickey, Hoffman, Kaiser, Kirschman, Kopp, Latterell, Lust,
26 Mickelson, Munsterman, Nelson, Novstrup (David), Olson (Betty), Parsley, Peterson, Qualm,
27 Rounds, Rozum, Russell, Schoenfish, Schrempp, Sly, Soli, Solum, Stalzer, Steele, Tulson,
28 Tyler, Verchio, Werner, Westra, Wick, and Wink

1 FOR AN ACT ENTITLED, An Act to regulate certain market activity in a health
2 exchange.

3 Was read the first time and referred to the Committee on Commerce and Energy.

4 SB 140 Introduced by: Senators Adelstein and Kirkeby and Representatives Hunhoff
5 (Bernie), Bartling, Magstadt, and Ring

6 FOR AN ACT ENTITLED, An Act to expand Medicaid eligibility for pregnant women and
7 to make an appropriation therefor.

8 Was read the first time and referred to the Committee on Appropriations.

9 SB 141 Introduced by: Senators Adelstein, Kirkeby, Lucas, Rampelberg, and Tidemann
10 and Representatives Sly, Hunhoff (Bernie), Kopp, and Schrempp

11 FOR AN ACT ENTITLED, An Act to revise certain financial assurance provisions relating
12 to mining.

13 Was read the first time and referred to the Committee on Commerce and Energy.

14 SB 142 Introduced by: Senators Vehle, Bradford, Frerichs, Johnston, Jones, Lederman,
15 Lucas, Soholt, Sutton, Tidemann, Tieszen, and White and Representatives Hoffman, Bolin,
16 Carson, Conzet, Gibson, Hawley, Heinert, Hunhoff (Bernie), Kirschman, Magstadt, Parsley,
17 Ring, Rozum, Soli, and Tyler

18 FOR AN ACT ENTITLED, An Act to prohibit the use of certain handheld electronic
19 wireless devices for electronic messaging while driving and to prohibit conflicting municipal
20 regulations.

21 Was read the first time and referred to the Committee on Transportation.

22 SB 143 Introduced by: Senators Tidemann, Begalka, Hunhoff (Jean), and Peters and
23 Representatives Hawley, Bolin, Erickson, Feinstein, Hawks, Hickey, Hoffman, Magstadt,
24 Munsterman, Nelson, Peterson, Rozum, Solum, Tulson, Tyler, and Wismer

25 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding tourist-oriented
26 directional signs.

27 Was read the first time and referred to the Committee on Transportation.

28 SB 144 Introduced by: Senator Novstrup (Al) and Representatives Hoffman, Haggard (Don),
29 and Olson (Betty)

1 FOR AN ACT ENTITLED, An Act to revise how municipalities may assess property for
2 improvements.

3 Was read the first time and referred to the Committee on Taxation.

4 SB 145 Introduced by: Senators Novstrup (Al), Kirkeby, Maher, Omdahl, and Peters and
5 Representatives Wick, Haggard (Don), Hoffman, Latterell, Magstadt, Munsterman, Olson
6 (Betty), and Werner

7 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the content of
8 annual property tax bill.

9 Was read the first time and referred to the Committee on Taxation.

10 SB 146 Introduced by: Senators Brown and Frerichs and Representatives Cronin and
11 Gibson

12 FOR AN ACT ENTITLED, An Act to provide for the collection of certain gaming taxes,
13 penalties, and interest and to declare an emergency.

14 Was read the first time and referred to the Committee on State Affairs.

15 SB 147 Introduced by: Senators Tieszen, Adelstein, Begalka, Bradford, Brown, Buhl,
16 Holien, Hunhoff (Jean), Johnston, Kirkeby, Krebs, Lucas, Monroe, Peters, Soholt, Tidemann,
17 and Vehle and Representatives Lust, Cammack, Campbell, Craig, Cronin, Dryden, Gibson,
18 Hajek, Hoffman, Hunhoff (Bernie), Kaiser, Magstadt, Miller, Novstrup (David), Qualm,
19 Rozum, Solum, and Verchio

20 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to domestic abuse
21 and protection orders.

22 Was read the first time and referred to the Committee on Judiciary.

23 SB 148 Introduced by: Senator Bradford and Representatives Heinert and Killer

24 FOR AN ACT ENTITLED, An Act to reestablish the force and effect of certain
25 administrative rules relating to underground injection control and in situ leach mining.

26 Was read the first time and referred to the Committee on Agriculture and Natural
27 Resources.

28 SB 149 Introduced by: Senator Bradford and Representatives Heinert and Killer

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to violations found
2 through environmental audits.

3 Was read the first time and referred to the Committee on Agriculture and Natural
4 Resources.

5 SB 150 Introduced by: Senator Bradford and Representatives Heinert and Killer

6 FOR AN ACT ENTITLED, An Act to revise certain permitting requirements relating to
7 in situ leach mining.

8 Was read the first time and referred to the Committee on Agriculture and Natural
9 Resources.

10 SB 151 Introduced by: Senators Vehle, Frerichs, Krebs, Lucas, Monroe, Van Gerpen, and
11 White and Representatives Verchio, Bartling, Feickert, Hickey, Peterson, Rounds, Rozum, and
12 Tulson

13 FOR AN ACT ENTITLED, An Act to clarify the maintenance responsibilities on
14 unimproved section lines.

15 Was read the first time and referred to the Committee on Transportation.

16 SB 152 Introduced by: Senators Frerichs, Lucas, Maher, Sutton, and Vehle and
17 Representatives Heinert, Feickert, Hoffman, Latterell, and Olson (Betty)

18 FOR AN ACT ENTITLED, An Act to authorize the hunting of coyotes using artificial light
19 under certain conditions.

20 Was read the first time and referred to the Committee on Agriculture and Natural
21 Resources.

22 SB 153 Introduced by: Senators Frerichs, Jones, Krebs, Rhoden, Tidemann, Vehle, Welke,
23 and White and Representatives Gosch, Cronin, Feickert, Hawley, Hoffman, Olson (Betty),
24 Peterson, and Werner

25 FOR AN ACT ENTITLED, An Act to clarify, remove inconsistencies from, and revise
26 certain provisions relating to the formation and operation of watershed districts.

27 Was read the first time and referred to the Committee on State Affairs.

1 SB 154 Introduced by: Senators Krebs, Brown, Ewing, Lucas, Omdahl, and White and
2 Representatives Hagggar (Don), Bartling, Cammack, Feickert, Gibson, Hoffman, Kirschman,
3 Kopp, Qualm, and Schrempf

4 FOR AN ACT ENTITLED, An Act to revise the maximum weight allowed on certain
5 wide-based super single tires.

6 Was read the first time and referred to the Committee on Transportation.

7 SB 155 Introduced by: Senators Krebs, Begalka, Brown, Frerichs, Monroe, Olson
8 (Russell), Rhoden, Tidemann, and Vehle and Representatives Cronin, Hagggar (Don), Hansen,
9 Lust, Munsterman, Novstrup (David), Olson (Betty), Parsley, Peterson, Schaefer, and Verchio

10 FOR AN ACT ENTITLED, An Act to establish a local government road improvement
11 grant fund for the purpose of serving new agricultural facilities and to make an appropriation
12 therefor.

13 Was read the first time and referred to the Committee on Agriculture and Natural
14 Resources.

15 SB 156 Introduced by: Senators Krebs, Frerichs, Rave, Tieszen, Van Gerpen, Vehle, and
16 White and Representatives Verchio, Bartling, Feickert, Hansen, Hickey, Rounds, and Rozum

17 FOR AN ACT ENTITLED, An Act to authorize township boards to increase the front foot
18 assessment for road maintenance and repairs.

19 Was read the first time and referred to the Committee on Taxation.

20 SB 157 Introduced by: Senators Krebs, Begalka, Frerichs, Kirkeby, and Vehle and
21 Representatives Verchio, Bartling, Feickert, Hickey, Hoffman, Peterson, Rozum, and Tulson

22 FOR AN ACT ENTITLED, An Act to revise the distribution from the wind energy tax
23 fund.

24 Was read the first time and referred to the Committee on Taxation.

25 SB 158 Introduced by: Senators White, Buhl, Frerichs, Heineman (Phyllis), Holien,
26 Hunhoff (Jean), Krebs, Lucas, Monroe, Peters, Rampelberg, Rave, Rhoden, Sutton, Tieszen,
27 Van Gerpen, and Welke and Representatives Gibson, Bartling, Cronin, Dryden, Erickson,
28 Hajek, Hansen, Hawks, Hawley, Heinert, Hunhoff (Bernie), Killer, Kirschman, Lust, Mickelson,
29 Munsterman, Novstrup (David), Parsley, Peterson, Rozum, Sly, Soli, Solum, Tyler, Verchio,
30 Werner, and Wismer

FOR AN ACT ENTITLED, An Act to provide for the funding of educational programs for children in residential treatment centers, intensive residential treatment centers, or licensed group care centers.

Was read the first time and referred to the Committee on Education.

SB 159 Introduced by: Senators White, Bradford, Buhl, Heineman (Phyllis), Hunhoff (Jean), Johnston, Kirkeby, Krebs, Lucas, Maher, Monroe, Novstrup (Al), Peters, Rampelberg, Soholt, Tidemann, Tieszen, and Welke and Representatives Mickelson, Bolin, Cronin, Dryden, Duvall, Erickson, Feickert, Feinstein, Gibson, Haggar (Don), Hajek, Hansen, Hawks, Hawley, Heinert, Hickey, Johns, Magstadt, Miller, Novstrup (David), Parsley, Qualm, Ring, Rounds, Rozum, Schoenfish, Sly, Stalzer, Stevens, Tulson, Werner, Westra, Wink, and Wismer

FOR AN ACT ENTITLED, An Act to revise the state aid to general education formula by including an adjustment for students with limited English proficiency.

Was read the first time and referred to the Committee on Education.

SB 160 Introduced by: Senators Jensen, Begalka, Lederman, Maher, Monroe, and Rampelberg and Representatives Campbell, Bolin, Craig, Greenfield, Haggar (Don), Hickey, Kaiser, Kopp, Magstadt, May, Nelson, Olson (Betty), Rasmussen, Stalzer, Steele, and Tulson

FOR AN ACT ENTITLED, An Act to require health care facilities to allow patients to supply their own prescription medications.

Was read the first time and referred to the Committee on Health and Human Services.

SB 161 Introduced by: Senators Sutton, Bradford, Frerichs, Jones, Krebs, Lucas, Maher, Rampelberg, Rhoden, and Vehle and Representatives Heinert, Bartling, Craig, Hoffman, May, Olson (Betty), Qualm, Schrempp, and Wink

FOR AN ACT ENTITLED, An Act to authorize certain persons to perform limited equine dentistry procedures.

Was read the first time and referred to the Committee on Agriculture and Natural Resources.

SB 162 Introduced by: Senators Sutton and Frerichs and Representatives Hunhoff (Bernie) and Bartling

FOR AN ACT ENTITLED, An Act to establish goals and objectives for economic development.

Was read the first time and referred to the Committee on State Affairs.

1 SB 163 Introduced by: Senators Peters and Jones and Representatives Cronin and Hawley

2 FOR AN ACT ENTITLED, An Act to establish uninsured motorist identification database
3 program.

4 Was read the first time and referred to the Committee on Appropriations.

5 SB 164 Introduced by: Senators Maher and Sutton and Representatives Rozum, Feickert,
6 Kopp, Olson (Betty), Schaefer, Verchio, and Wink

7 FOR AN ACT ENTITLED, An Act to revise the compensation requirements payable to
8 surface owners for exploration damages and to allow the payments to be made in multiple
9 installments.

10 Was read the first time and referred to the Committee on Agriculture and Natural
11 Resources.

12 SB 165 Introduced by: Senators Rampelberg, Jensen, Kirkeby, and Tieszen and
13 Representatives Verchio, Conzet, Hoffman, Olson (Betty), Rozum, and Tulson

14 FOR AN ACT ENTITLED, An Act to provide authority to establish special purpose
15 districts for libraries.

16 Was read the first time and referred to the Committee on Local Government.

17 SB 166 Introduced by: Senator Rhoden and Representative Cammack

18 FOR AN ACT ENTITLED, An Act to revise the number of years that permits to carry a
19 concealed weapon are valid.

20 Was read the first time and referred to the Committee on State Affairs.

21 SB 167 Introduced by: Senators Novstrup (Al), Brown, Kirkeby, and Lederman and
22 Representatives Hoffman, Hansen, Kaiser, Munsterman, Tulson, Tyler, and Verchio

23 FOR AN ACT ENTITLED, An Act to require governmental bodies to keep minutes of
24 executive or closed sessions and to define what circumstances the minutes be viewed by the
25 public.

26 Was read the first time and referred to the Committee on Local Government.

SB 168 Introduced by: Senators Hunhoff (Jean), Heineman (Phyllis), Holien, Johnston, Krebs, Lederman, Lucas, Olson (Russell), and Rave and Representatives Ecklund, Conzet, Cronin, Erickson, Hajek, Hawks, Hunhoff (Bernie), Lust, Magstadt, Mickelson, and Sly

FOR AN ACT ENTITLED, An Act to require that newborns be screened for congenital heart defects.

Was read the first time and referred to the Committee on Health and Human Services.

SB 169 Introduced by: Senators Holien, Adelstein, Ewing, Jensen, Kirkeby, Novstrup (Al), Peters, Rampelberg, Tieszen, Van Gerpen, Welke, and White and Representatives Dryden, Carson, Johns, Kopp, Magstadt, Novstrup (David), Romkema, Russell, Sly, Solum, and Wink

FOR AN ACT ENTITLED, An Act to provide for the assignment of insurance payments for ambulance service providers.

Was read the first time and referred to the Committee on Local Government.

SB 170 Introduced by: Senators Adelstein, Holien, Kirkeby, and Lucas and Representative Olson (Betty)

FOR AN ACT ENTITLED, An Act to require a temporary permit to be issued to certain persons lacking certain documents when applying for a driver license or nondriver identification card.

Was read the first time and referred to the Committee on Transportation.

SB 171 Introduced by: Senators Adelstein and Lederman and Representatives Hajek and Hawks

FOR AN ACT ENTITLED, An Act to establish the crime of aggravated cruelty to dogs, cats, and horses and to provide certain criminal and civil penalties therefor.

Was read the first time and referred to the Committee on Agriculture and Natural Resources.

SB 172 Introduced by: Senators Adelstein, Buhl, and Kirkeby and Representatives Wismer, Gibson, and Hawks

FOR AN ACT ENTITLED, An Act to temporarily increase the state sales and use tax and to declare an emergency.

Was read the first time and referred to the Committee on Appropriations.

1 SB 173 Introduced by: Senators Lederman, Buhl, and Peters and Representatives Stevens,
2 Gibson, Hajek, and Hoffman

3 FOR AN ACT ENTITLED, An Act to provide that a defendant is strictly liable under
4 criminal law for raping certain victims incapable of consenting.

5 Was read the first time and referred to the Committee on Judiciary.

6 SB 174 Introduced by: Senator Lederman and Representatives Hoffman and Stevens

7 FOR AN ACT ENTITLED, An Act to provide that an out-of-country foreign judgment
8 need not be recognized if the cause of action resulted in a defamation judgment obtained in a
9 jurisdiction outside the United States, unless a court in this state first determines that the
10 defamation law applied in the foreign court's adjudication provided at least as much protection
11 for freedom of speech and press as would be provided in this state by enacting the free speech
12 defense Act.

13 Was read the first time and referred to the Committee on Judiciary.

14 SB 175 Introduced by: Senator Lederman

15 FOR AN ACT ENTITLED, An Act to exempt trucking of used tires and tire casings from
16 sales and use taxes.

17 Was read the first time and referred to the Committee on Taxation.

18 SB 176 Introduced by: Senators Krebs, Begalka, Brown, Frerichs, Hunhoff (Jean),
19 Johnston, Kirkeby, Lucas, Olson (Russell), Peters, Rave, Rhoden, Soholt, Sutton, Tidemann,
20 Vehle, and White and Representatives Munsterman, Duvall, Hawley, and Kirschman

21 FOR AN ACT ENTITLED, An Act to appropriate money to the South Dakota Board of
22 Regents - Agricultural Experiment Station to implement a research investment program.

23 Was read the first time and referred to the Committee on Appropriations.

24 SB 177 Introduced by: Senators Otten (Ernie), Begalka, Brown, Jensen, Monroe, and
25 Omdahl and Representatives Russell, Campbell, and Kaiser

26 FOR AN ACT ENTITLED, An Act to limit the authority of certain institutions of higher
27 education to regulate the possession of guns by students on campus.

28 Was read the first time and referred to the Committee on Judiciary.

SB 178 Introduced by: Senators Krebs and Frerichs and Representatives Hoffman and Peterson

FOR AN ACT ENTITLED, An Act to enhance animal and livestock sustainability.

Was read the first time and referred to the Committee on Agriculture and Natural Resources.

SB 179 Introduced by: Senators Vehle, Jones, and Olson (Russell) and Representatives Gosch and Hawley

FOR AN ACT ENTITLED, An Act to provide for a uniform county drainage permit application form and to remove the maximum limit for drainage permit fees.

Was read the first time and referred to the Committee on Local Government.

SB 180 Introduced by: Senators Brown and Novstrup (Al) and Representatives Cronin, Hoffman, and Olson (Betty)

FOR AN ACT ENTITLED, An Act to amend certain provisions relating to the publication of payroll information.

Was read the first time and referred to the Committee on Appropriations.

SB 181 Introduced by: Senator Brown and Representatives Hoffman and Cronin

FOR AN ACT ENTITLED, An Act to provide licensing reciprocity for social workers.

Was read the first time and referred to the Committee on Health and Human Services.

SB 182 Introduced by: Senators Brown, Frerichs, Olson (Russell), Rave, and Sutton and Representatives Hunhoff (Bernie), Bartling, Cronin, Gosch, and Lust

FOR AN ACT ENTITLED, An Act to enhance economic development.

Was read the first time and referred to the Committee on State Affairs.

SB 183 Introduced by: Senators Brown, Frerichs, Maher, Rave, and Sutton and Representatives Cronin, Olson (Betty), and Schrempp

FOR AN ACT ENTITLED, An Act to revise provisions relating to hunting trespass and to increase certain penalties for trespassing.

1 Was read the first time and referred to the Committee on Agriculture and Natural
2 Resources.

3 SB 184 Introduced by: Senators Jones, Frerichs, Kirkeby, and Welke and Representatives
4 Hunhoff (Bernie), Bolin, Feickert, Greenfield, Hawks, Miller, Ring, Schaefer, Schrempp, and
5 Tulson

6 FOR AN ACT ENTITLED, An Act to revise the number of ownership acres necessary to
7 qualify for certain big game hunting licenses to be used on a landowner's property.

8 Was read the first time and referred to the Committee on Agriculture and Natural
9 Resources.

10 SB 185 Introduced by: Senators Hunhoff (Jean), Begalka, Brown, Buhl, Frerichs,
11 Heineman (Phyllis), Krebs, Lederman, Lucas, Olson (Russell), Peters, Rave, Rhoden, Sutton,
12 Tidemann, and Vehle and Representatives Gibson, Bartling, Duvall, Feickert, Feinstein,
13 Hansen, Hawks, Hawley, Heinert, Hunhoff (Bernie), Kirschman, Lust, Parsley, Peterson,
14 Rounds, Schaefer, Schrempp, Sly, Soli, Solum, Tyler, and Wismer

15 FOR AN ACT ENTITLED, An Act to clarify the authority of the interim rules review
16 committee.

17 Was read the first time and referred to the Committee on State Affairs.

18 SB 186 Introduced by: The Committee on State Affairs at the request of the Office of the
19 Governor

20 FOR AN ACT ENTITLED, An Act to establish Good Earth State Park at Blood Run in
21 Lincoln County.

22 Was read the first time and referred to the Committee on State Affairs.

23 SJR 1 Introduced by: Senators Novstrup (Al), Holien, Maher, and Peters and
24 Representatives Werner, Haggar (Don), Magstadt, and Olson (Betty)

25 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general
26 election an amendment to Article III, section 6 of the Constitution of the State of South Dakota,
27 relating to legislative terms and legislative term limits.

28 Was read the first time and referred to the Committee on State Affairs.

SJR 2 Introduced by: Senators Brown, Heineman (Phyllis), Maher, Monroe, Novstrup (Al), Omdahl, Otten (Ernie), Peters, Rave, Rhoden, and Tidemann and Representatives Hoffman, Cronin, Dryden, Greenfield, and Hansen

A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election an amendment to Article XI, sections 13 and 14 and Article XXIII, section 1 of the Constitution of the State of South Dakota, relating to the vote required to increase taxes.

Was read the first time and referred to the Committee on Taxation.

SJR 3 Introduced by: Senators Jensen, Begalka, and Novstrup (Al) and Representatives Greenfield, Campbell, Craig, Haggar (Don), Kaiser, May, Olson (Betty), Qualm, Stalzer, and Wick

A JOINT RESOLUTION, Proposing a constitutional amendment to provide that the fundamental right of state citizens to bear arms cannot be infringed and is subject to strict scrutiny.

Was read the first time and referred to the Committee on State Affairs.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1011: FOR AN ACT ENTITLED, An Act to authorize the Board of Hearing Aid Dispensers and Audiologists to establish a thirty day trial period for the sale of hearing aids.

Was read the first time and referred to the Committee on Health and Human Services.

HB 1012: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the students eligible for resident tuition benefits at universities controlled by the Board of Regents.

Was read the first time and referred to the Committee on Education.

HB 1018: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning elections and petitions.

Was read the first time and referred to the Committee on Local Government.

HB 1019: FOR AN ACT ENTITLED, An Act to authorize the involuntary treatment of jailed prisoners with psychotropic medication.

Was read the first time and referred to the Committee on Health and Human Services.

1 HB 1024: FOR AN ACT ENTITLED, An Act to provide for the addition of certain
2 employees of the municipality of Sioux Falls to the South Dakota Retirement System.

3 Was read the first time and referred to the Committee on Retirement Laws.

4 HB 1025: FOR AN ACT ENTITLED, An Act to revise certain actuarial and reporting
5 requirements relating to the South Dakota Retirement System.

6 Was read the first time and referred to the Committee on Retirement Laws.

7 HB 1032: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
8 money, clothing, and transportation furnished inmates released from the Department of
9 Corrections.

10 Was read the first time and referred to the Committee on Judiciary.

11 HB 1039: FOR AN ACT ENTITLED, An Act to clarify the gross receipts subject to
12 taxation by the retail sales and service tax, the gross receipts tax on visitor related businesses,
13 the municipal non-ad valorem tax, and the municipal gross receipts tax.

14 Was read the first time and referred to the Committee on Taxation.

15 HB 1047: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
16 examination for an application for a funeral service license.

17 Was read the first time and referred to the Committee on Health and Human Services.

18 HB 1066: FOR AN ACT ENTITLED, An Act to continue the current rate of the gross
19 receipts tax imposed on visitor-related businesses.

20 Was read the first time and referred to the Committee on State Affairs.

21 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

22 The Senate proceeded to the consideration of the executive appointment of Thomas E.
23 Simmons of Pennington County, Rapid City, South Dakota, to the Board of Pardons and
24 Paroles.

25 The question being “Does the Senate advise and consent to the executive appointment of
26 Thomas E. Simmons pursuant to the executive message as found on page 106 of the Senate
27 Journal?”

1 And the roll being called:

2 Yeas 35, Nays 0, Excused 0, Absent 0

3 Yeas:

4 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
5 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
6 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden;
7 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

8 So the question having received an affirmative vote of a majority of the members-elect, the
9 President declared the appointment confirmed.

10 The Senate proceeded to the consideration of the executive reappointment of Sharon
11 Kallemeyn of Pennington County, Rapid City, South Dakota, to the Crime Victims'
12 Compensation Commission.

13 The question being "Does the Senate advise and consent to the executive reappointment
14 of Sharon Kallemeyn pursuant to the executive message as found on page 107 of the Senate
15 Journal?"

16 And the roll being called:

17 Yeas 35, Nays 0, Excused 0, Absent 0

18 Yeas:

19 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
20 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
21 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden;
22 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

23 So the question having received an affirmative vote of a majority of the members-elect, the
24 President declared the reappointment confirmed.

25 **SECOND READING OF CONSENT CALENDAR BILLS**

26 SB 71: FOR AN ACT ENTITLED, An Act to correct the name of a postsecondary
27 institution authorized to provide educational programs in South Dakota.

28 Was read the second time.

29 The question being "Shall SB 71 pass?"

30 And the roll being called:

1 Yeas 35, Nays 0, Excused 0, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
4 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
5 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
6 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 So the bill having received an affirmative vote of a majority of the members-elect, the
8 President declared the bill passed and the title was agreed to.

9 HB 1008: FOR AN ACT ENTITLED, An Act to codify legislation enacted in 2012.

10 Was read the second time.

11 The question being "Shall HB 1008 pass?"

12 And the roll being called:

13 Yeas 35, Nays 0, Excused 0, Absent 0

14 Yeas:

15 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
16 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
17 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
18 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 President declared the bill passed and the title was agreed to.

21 HB 1009: FOR AN ACT ENTITLED, An Act to correct an error in the recreational vehicle
22 title statute.

23 Was read the second time.

24 The question being "Shall HB 1009 pass?"

25 And the roll being called:

26 Yeas 35, Nays 0, Excused 0, Absent 0

27 Yeas:

28 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
29 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
30 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
31 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

4 SB 66: FOR AN ACT ENTITLED, An Act to revise the style and form of certain
5 provisions, to amend certain provisions to streamline and clarify, and to repeal certain obsolete
6 and unnecessary provisions pertaining to the Real Estate Commission.

7 Was read the second time.

8 66ja

9 Sen. Holien moved that SB 66 be amended as follows:

10 On page 5 of the Senate Commerce and Energy Committee engrossed bill, remove the
11 overstrikes from lines 9 to 11, inclusive.

12 On page 5, line 12, remove the overstrikes from "~~inclusive~~".

13 Which motion prevailed.

14 The question being "Shall SB 66 pass as amended?"

15 And the roll being called:

16 Yeas 35, Nays 0, Excused 0, Absent 0

17 Yeas:

18 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
19 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
20 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
21 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

22 So the bill having received an affirmative vote of a majority of the members-elect, the
23 President declared the bill passed and the title was agreed to.

24 SB 5: FOR AN ACT ENTITLED, An Act to establish the public purpose and goals of
25 postsecondary education, to provide for the funding of higher education, and to create the
26 Council on Higher Education Policy Goals, Performance, and Accountability.

27 Was read the second time.

1 5cf

2 Sen. Olson moved that SB 5 be amended as follows:

3 On page 6 of the Senate Education Committee engrossed bill, delete lines 4 to 24,
4 inclusive, and insert:

5 "(1) If the projected state general fund increase allows, the higher education system may
6 receive funding through the normal budgeting process for performance funding. Any
7 sum appropriated from the general fund for the purpose of performance funding shall
8 be provided to the Board of Regents. The Board of Regents shall then determine the
9 allocation of funds to the institutions it governs that reflect institutional performance
10 and system strategic investments. For fiscal years 2014 and 2015, funds appropriated
11 for performance funding shall be awarded to the higher education institutions based
12 on improvements in the following areas:

13 (a) One-half of the performance funding shall be based on the number of new
14 graduates with special emphasis on those graduates with degrees in science,
15 technology, engineering, and mathematics or other critical need areas as
16 determined by the Council on Higher Education Policy Goals, Performance,
17 and Accountability established in section 6 of this Act; and

18 (b) One-half of the funding shall be based on the growth of expenditures for
19 research;

20 For fiscal year 2016 and in subsequent fiscal years, the performance funding shall be
21 awarded to the Board of Regents based on criteria established by the Council of
22 Higher Education Policy Goals, Performance and Accountability; and

23 (2) If the higher education system receives the performance funding in subdivision (1),
24 and the cost of the performance funding is less than the projected state general fund
25 increase, the higher education institutions may also receive, through the normal
26 budgeting process, a mission expansion increase calculated pursuant to this
27 subsection to reflect expanded student services and increases in enrollments and
28 credit hour completions. If the performance funding provided pursuant to subdivision
29 (1), and the amount calculated in this subdivision for a mission expansion increase
30 is greater than the projected state general fund increase, each higher education
31 institution shall receive a pro rata share of the total amount calculated. The mission
32 expansion increase shall be calculated as follows:

33 (a) Each institution of higher education shall receive a payment equal to one-half
34 of the average state appropriation per higher education student for each full-
35 time equivalent enrollment in the previous fiscal year that exceeded the total
36 full-time equivalent enrollment in the year preceding the previous fiscal year;
37 and

(b) Each institution of higher education shall also receive a payment equal to one-half of the average state appropriation per higher education student for each full-time equivalent of credit hour completions in the previous fiscal year that exceeded the total full-time equivalent of credit hour completions in the year preceding the previous fiscal year. The full-time equivalent of credit hour completions for which an institution is entitled to a payment pursuant to this section shall be calculated as follows:

(i) For the previous fiscal year, at each degree level, divide the total number of credit hours completed at that institution by the number of credit hours required to be a full-time equivalent student;

(ii) For the year prior to the previous fiscal year, at each degree level, divide the total number of credit hours completed at that institution by the number of credit hours required to be a full-time equivalent student;

(iii) If the product of subsection (i) is greater than the product of subsection (ii), calculate the difference between the two at each degree level; and

(iv) Add together the results for each degree level;

In addition to the mission expansion funding calculated pursuant to this subsection, the Legislature may also provide additional funding to institutions of higher education for the expansion of program mission; and

(3) If the higher education system receives the performance funding in subdivision (1) and the mission expansion increase in subdivision (2), and the cost of both of the increases is less than the projected state general fund increase, the higher education system may receive, through the normal budgeting process, an operating budget inflationary increase equal to the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics of the United States Department of Labor for the year before the year immediately preceding the year of adjustment or three percent, whichever is less. For the purpose of this section, the operating budget does not include any portion of the budget that contains funding for salaries and benefits for any employees provided by the Legislature through the General Appropriations Act."

On page 7, delete lines 1 to 24, inclusive.

On page 8, delete lines 1 to 20, inclusive.

Which motion prevailed.

- 1 5cg
- 2 Sen. Kirkeby moved that SB 5 be further amended as follows:
- 3 On page 1, line 10, of the Senate Education Committee engrossed bill, delete everything
4 after "equivalent,".
- 5 On page 1, delete line 11.
- 6 On page 1, line 12, delete "of Regents".
- 7 On page 2, line 6, after "Public" delete "postsecondary" and insert "higher".
- 8 On page 2, line 6, delete everything after "institutions,".
- 9 On page 2, line 7, delete everything before "the institutions".
- 10 On page 2, line 9, after "Public" delete "postsecondary education systems" and insert
11 "higher education system".
- 12 On page 2, line 10, delete everything before "the system".
- 13 On page 2, line 13, delete "postsecondary" and insert "higher".
- 14 On page 2, line 16, delete "postsecondary" and insert "higher".
- 15 On page 2, line 21, delete everything after "for" and insert "the public higher".
- 16 On page 2, line 22, delete "systems" and insert "system".
- 17 On page 3, line 7, delete "postsecondary" and insert "higher".
- 18 On page 3, line 14, delete "postsecondary" and insert "higher".
- 19 On page 3, line 16, delete "postsecondary" and insert "higher".
- 20 On page 3, line 17, delete "postsecondary" and insert "higher".
- 21 On page 3, line 18, delete "postsecondary" and insert "higher".
- 22 On page 3, line 20, delete "postsecondary".
- 23 On page 4, line 10, after "Education;" insert "and".
- 24 On page 4, delete line 11.
- 25 On page 4, delete line 12.

1 On page 4, line 13, delete "(11)" and insert "(10)".

2 On page 4, line 15, delete "; and" and insert ".".

3 On page 4, delete lines 16, 17, and 18.

4 On page 4, line 20, delete "postsecondary" and insert "higher".

5 On page 5, line 1, after "and the" delete "respective postsecondary education governing
6 boards" and insert "Board of Regents".

7 On page 5, line 2, delete "postsecondary education systems" and insert "higher education
8 system".

9 On page 5, line 11, delete everything after "Regents".

10 On page 5, line 12, delete everything before "or".

11 On page 5, line 13, delete "postsecondary" and insert "higher".

12 On page 5, line 14, delete "and the Board of Education shall each" and insert "shall".

13 On page 5, line 17, delete "postsecondary" and insert "higher".

14 On page 5, line 17, delete "respective".

15 On page 6, line 1, delete "postsecondary" and insert "higher".

16 Which motion lost.

17 The question now being "Shall SB 5 pass as amended?"

18 And the roll being called:

19 Yeas 28, Nays 6, Excused 1, Absent 0

20 Yeas:

21 Adelstein; Bradford; Brown; Buhl; Ewing; Heineman (Phyllis); Hunhoff (Jean); Johnston;
22 Jones; Krebs; Lederman; Maher; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters;
23 Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke;
24 White

25 Nays:

26 Begalka; Frerichs; Jensen; Kirkeby; Lucas; Monroe

27 Excused:

28 Holien

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 SB 3: FOR AN ACT ENTITLED, An Act to require the reporting of the outcomes of
4 certain licensure and certification examinations.

5 Was read the second time.

6 The question being "Shall SB 3 pass as amended?"

7 And the roll being called:

8 Yeas 35, Nays 0, Excused 0, Absent 0

9 Yeas:

10 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
11 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
12 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
13 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 President declared the bill passed and the title was agreed to.

16 SB 4: FOR AN ACT ENTITLED, An Act to require the Department of Labor and
17 Regulation to determine certain job placement outcomes for graduates of all public
18 postsecondary education institutions in the state.

19 Was read the second time.

20 The question being "Shall SB 4 pass?"

21 And the roll being called:

22 Yeas 30, Nays 4, Excused 1, Absent 0

23 Yeas:

24 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
25 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lucas; Novstrup (Al); Olson
26 (Russell); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen;
27 Vehle; Welke; White

28 Nays:

29 Maher; Monroe; Omdahl; Otten (Ernie)

30 Excused:

31 Lederman

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

Sen. Olson moved that SB 56, 55, 23, 69, 72 and HB 1036 be deferred to Thursday, January 24, the 11th legislative day.

Which motion prevailed.

There being no objection, the Senate reverted to Order of Business No. 5.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on State Affairs respectfully reports that it has had under consideration SB 83 and returns the same with the recommendation that said bill be amended as follows:

83ta

On page 1, line 6, of the printed bill, delete "twenty-ninth" and insert "thirtieth".

And that as so amended said bill do pass.

Respectfully submitted,
Larry Rhoden, Chair

Also MR. PRESIDENT:

The Committee on Health and Human Services respectfully reports that it has had under consideration SB 68 and HB 1044 and returns the same with the recommendation that said bills do pass.

Also MR. PRESIDENT:

The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1022 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on Health and Human Services respectfully reports that it has had under
3 consideration SB 75 and returns the same with the recommendation that said bill be amended
4 as follows:

5 75sa

6 On page 1, after line 10 of the printed bill, insert:

7 "Section 2. That § 62-1-1.2 be amended to read as follows:

8 62-1-1.2. For the purposes of this chapter, impairment shall be determined by a medical
9 impairment rating, expressed as a percentage to the affected body part, using the Guides to the
10 Evaluation of Permanent Impairment established by the American Medical Association, ~~fourth~~
11 sixth edition, ~~June 1993~~ July 2009 reprint."

12 And that as so amended said bill do pass and be placed on the consent calendar.

13 Respectfully submitted,
14 Jean M. Hunhoff, Chair

15 Sen. Hunhoff moved that the Senate do now adjourn, which motion prevailed and at
16 3:20 p.m. the Senate adjourned.

17 Jeannette Schipper, Secretary